



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,253	12/20/2000	Hong Yang	155698-0004	9514

22242 7590 06/19/2003

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

KAZMI, OMAR A

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 06/19/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,253

Applicant(s)

YANG ET AL.

Examiner

Omar Kazmi

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference #162, 300, and 560.
2. The drawings are objected to because in Figure 5, items labeled "audio decoder", "signal encoder" next to "analog video for vcr", and the plus sign are not numbered and/or described within the specification.
3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 8 and 18 are objected to because of the following informalities: change "scale of the selected feature" to -- scale the selected feature--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 2-4, 9, 12-14, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 2 and 12 recite the limitation "scaled factor" in lines 1 and 2 of claims 2 and 12.

Art Unit: 2173

Claims 3, 4, 13, and 14 recite the limitation "providing a scaling factor"; should be changed to -- providing the scaling factor--. Claims 9 and 19 recite the limitation "second one of said icons" in the first line of claims 9 and 19. There is insufficient antecedent basis for this limitation in these claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al, US Patent Number 5,734,853, hereinafter referred to as Hendricks. Regarding claims 1 and 11, Hendricks teaches a system and method of providing adaptive scaling comprising receiving programming data associated with a show as shown in Figure 1 and described in Col. 7, line 61 to Col. 8, line 20, where it is clear that channels such as sporting events, childrens' programs and specialty channels are associated with a show. Furthermore, this is also illustrated as disclosed in Col. 8, lines 54-64, where it is clear that the system receives program data associated with a show via signals with local programming. Next, Hendricks also teaches displaying the program data on a screen page, as seen in Figures 20a, 20b, 29f, and 30, where the program data is displayed on the display screen, where the program data can be interpreted as either the program or the information associated with the program; this is also described in Col. 18, line 53 to Col. 19, line 6. Next, Hendricks also teaches selecting at least one feature of the screen page for scaling, and providing a scale factor of the at least one feature.

Art Unit: 2173

Hendricks also teaches this on Col. 18, line 53 to Col. 19, line 6, where it is clear that when a demo or video is displayed along with menu information. Finally, it is clear that a scale factor of the feature is provided, where the video is scaled down in order to fit both the video and menu information. Regarding claim 11, it is also clear that entertainment system comprises a display monitor as shown in Figure 3, reference #222. Also, Hendricks teaches a broadcast receiver coupled to the displayed monitor as seen in Figure 3, reference #220. It is clear that the front-end unit 220 is capable of receiving programming data associated for viewing on the display monitor, as seen in Figure 3, reference # 216, where the programming data includes analog and/or digital signals as described in Col. 9, line 40 to Col. 11, line 49 and Col. 14, lines 24-32. It is also clear that the front-end unit 220 contains memory for storing instruction sequences as described in Col. 11, lines 50 to Col. 12, line 14. Finally, it is clear that has a central processing unit for receiving programming data associated with a show as seen in Figure 7 and disclosed in Col. 21, lines 40 to Col. 24, line 36.

Regarding claims 2 and 12, it is also clear that Hendricks teaches displaying the scaled feature, as disclosed in Col. 46, lines 30-44. In this citation, Hendricks discloses a manner to manipulate a video signal to scale it down within a video window. Furthermore, Hendricks also displays a technique to scale video information into four separate windows, where it is clear that the scale feature is displayed as disclosed in Col. 47, lines 40-67.

Regarding claims 3 and 13, it is clear that the scaling factor includes a range, where it is clear that the window size range is at least between a full-screen display to up to 48 separate windows containing program video being displayed at the same time as illustrated in Figure 30 and as disclosed on Col. 46, line 64 to Col. 47, line 23.

Art Unit: 2173

Regarding claims 4 and 14, it is clear that Hendricks teaches a scaling factor including providing a default scaling factor, where it is clear that the movies are either viewed in default scaled view such as 4 simultaneous scaled windows or 48 simultaneous scaled windows or full-screen as described in Col. 26, line 64 to Col. 27, line 18, whether the front-end unit either remembers or forgets the previously used scaled factor.

Regarding claim 5 and 15, it is clear that Hendrick teaches an increment factor that is used to increase the size of the feature beyond the scaling factor. As disclosed in Col. 46, line 64 to Col. 47, line 18 that the user can use an increment factor to increase the size beyond the scale factor, such as having the increment factor allowing for a split screen video to have 2 or 6 videos instead of the 4:1 scaling factor as shown in Figure 30.

Regarding claims 6, 7, 16, and 17, it is clear that the programming data is to be displayed on a screen menu and a program description as illustrated in Figures 17-20, 29e, 29g and as disclosed in Col. 26, lines 30-44 where it is clear that the programming data includes both the screen menu with a programming description. Regarding claims 7 and 17, it is clear in Col. 26, lines 30-44 that the Program Overlay menus reduce or scale down the entire programs's video screen; thus it is clear that the overlay menu is selected that the feature or video content is selected for scaling.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2173

4. Claims 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks. Regarding claim 8, Hendricks teaches a menu having a plurality of icons as disclosed in Col. 6, lines 38-43. However, while he teaches this, he fails to explicitly teach selecting an icon to scale the selected feature. However, Hendricks does teach a manner of scaling the selected feature, as disclosed in Col. 26, lines 30-44 and Col. 46, line 64 to Col. 47, line 23. Thus, it would have been obvious to one of ordinary skill in the art to modify the icons taught by Hendricks to include the ability to have one of the icons scale the selected feature or video content also taught by Hendricks in order to obtain a method and system where an icon is selectable to scale the selected feature or video content. One of ordinary skill in the art would have been motivated to modify the icons taught by Hendricks to include the ability to have one of the icons scale the selected feature or video content also taught by Hendricks in order to provide a simple manner to simple visual manner to scale a selected feature instead of having to display an overlay menu which perform the same task but without providing the user the opportunity whether or not to scale the video content.

Regarding claims 9, 10, 19, and 20, with respect to claims 8 and 18 above, Hendricks teaches a manner of having an icon selectable to scale the selected feature, but fails to explicitly teach that a second of a plurality of icons is selectable to provide a scaling factor and selectable for displaying the scaled feature. However, Hendricks teaches both a manner for providing the scaling factor within a menu as seen in Figure 30, where the scale factor "4:1" is provided as described in Col. 47, lines 40-57. Similarly, it is clear that Hendricks teaches displaying the scaled feature, also seen and described in Figure 30 and Col. 47, lines 40-57. Thus, it would have been obvious to one of ordinary skill in the art to modify the icons within the menu taught by

Art Unit: 2173

Hendricks to include a manner of displaying the scaled feature and providing the scaling factor also taught by Hendricks to obtain a menu where another icon may be selected to provide a scaling factor and display the scaled feature (video content). One of ordinary skill in the art would have been motivated to modify the icons within the menu taught by Hendricks to include a manner of displaying the scaled feature and providing the scaling factor also taught by Hendricks in order to provide a convenient visual manner for allowing the user to be provided with scale factor as well as displaying the scaled video content instead of having to go through menus system and have the user visually determine whether a scaling operation will be displayed or provided to the user based upon the particular menu.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach inventions relating to electronic program guides with and without the ability to scale programming content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Kazmi whose telephone number is 703-305-4894. The examiner can normally be reached on Monday - Friday 8 AM - 4:30 PM.

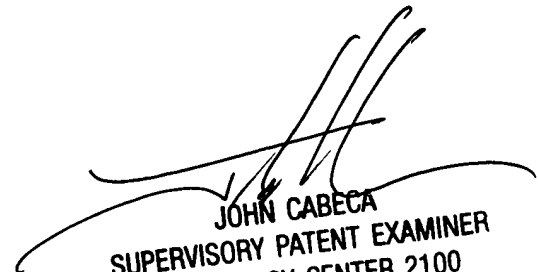
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Art Unit: 2173

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OK

June 16, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100